

REMARKS

Claims 1-11 are pending. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Entry of this Amendment is respectfully requested since no new issues are raised by the Amendment and it places the Application in condition for allowance, or at least in better form for appeal.

Claim Rejections Under 35 U.S.C. § 103

A. Claims 1, 2, 4, 6, 7, and 10 were rejected under 35 U.S.C. § 103(a) over Cline et al. (U.S. Patent No. 5,698,879) in view of Tomikawa (U.S. Patent No. 4,760,572). Applicants respectfully traverse this rejection.

Claim 1 recites, in part, a user-to-user communication system that includes transmission means for recognizing a first audio signal which is inputted from a user, converting the first audio signal into a first text data, and transmitting the converted first text data, applied with a transmission code, into a counterpart terminal via the network wherein the transmission code identifies the converted first text data as being text data instead of an audio signal.

As admitted in the Office Action on page 2, Cline does not teach or suggest that the transmission code identifies the converted first text data as being text data instead of an audio signal. The Office Action alleges that Tomikawa teaches such a feature and further alleges that the combination of the two reference would be obvious. Applicants respectfully disagree.

Tomikawa discloses a limited multicast communication network. Specifically, in column 4, lines 20-31, Tomikawa discloses a transmission frame which includes an information field I, that has a CMD and TXT portion. The CMD field can be set depending on whether text or a command is transmitted in the frame. Tomikawa merely teaches a frame structure that allows a frame containing data to be distinguished from a frame containing a command (i.e., data or no data). Tomikawa is not concerned with and does not teach or suggest a transmission code that identifies converted first text data as being text data instead of an audio signal (i.e., two different types of data).

Additionally, the mere existence of the claim limitations in two or more prior art references used to construct the obviousness argument is not sufficient to prove obviousness if the art does not present a suggestion to one of ordinary skill in the art to combine the references. *See Heidelberg Druckmaschinen AG v. Hantscho Commercial Prods., Inc.*, 21

F.3d 1068, 1072, 20 USPQ2d 1377, 1379 (Fed. Cir. 1993) ("When the patented invention is made by combining known components to achieve a new system, the prior art must provide a suggestion or motivation to make such a combination."); *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 934, 15 USPQ2d 1321, 1323 (Fed. Cir. 1990) (it is insufficient that prior art shows similar components, unless it also contains some teaching, suggestion, or incentive for arriving at the claimed structure). Accordingly, there must be some reason, free from the influence of hindsight, for combining the prior art references to render the claimed invention, as a whole, obvious. See *Rockwell Int'l v. U.S.*, 147 F.3d 1360, 1364 (Fed. Cir. 1998); *W. L. Gore & Associates, Inc., v. Garlock, Inc.*, 721 F.2d 1540, 1551 (Fed. Cir. 1983). The Examiner, in this case, has combined teaching of Cline and Tomikawa to attempt to reconstruct Applicants invention based on the benefit of hindsight. Such a reconstruction is not permissible since there is no motivation to combine these two references.

Accordingly, Cline in view of Tomikawa fails to teach or suggest a user-to-user communication system that includes transmission means for recognizing a first audio signal which is inputted from a user, converting the first audio signal into a first text data, and transmitting the converted first text data, applied with a transmission code, into a counterpart terminal via the network wherein the transmission code identifies the converted first text data as being text data instead of an audio signal, as recited in claim 1.

Claim 7 is believed allowable for at least the same reasons presented above with respect to claim 1 since claim 7 recites similar features to the features discussed above with respect to claim 1.

Claims 2, 4, 6, and 10 are believed allowable for at least the reasons presented above with respect to claims 1 and 7 by virtue of their dependence upon claims 1 and 7.

Accordingly, Applicants respectfully requests reconsideration and withdrawal of this rejection.

B. Claims 3, 5, 8, 9, and 11 were rejected under 35 U.S.C. § 103(a) over Cline in view of Tomikawa and further in view of Towell (U.S. Patent No. 5,911,129). Applicants respectfully traverse this rejection.

Claims 3, 5, 8, and 9 are believed allowable for at least the same reasons presented above with respect to claims 1 and 7 by virtue of their dependence upon claims 1 and 7 and

because Towell fails to remedy at least the deficiencies of Cline discussed above with respect to claims 1 and 7.

Claim 11 is believed allowable for at least the same reasons presented above with respect to claims 1 and 7 since claim 11 recites similar features to the features discussed above and because Towell fails to remedy at least the deficiencies of Cline and Tomikawa discussed above with respect to claims 1 and 7.

Accordingly, Applicants respectfully requests reconsideration and withdrawal of this rejection.

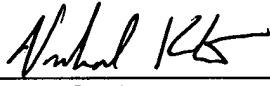
Conclusion

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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